

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/487,729
Attorney Docket No. Q57577

REMARKS

I. Introduction

Applicant adds new claims 5-8. Thus, by this Amendment, claims 1-8 are all the claims pending in the application. Claims 1-4 have been examined, and claims 1-4 are rejected. Specifically, claims 1 and 2 stand rejected under 35 U.S.C. § 102(e)¹ as allegedly being anticipated by Tsukagoshi, U.S. Patent No. 5,034,819 ("Tsukagoshi"). Additionally, claims 1-4 stand rejected under 35 U.S.C. § 102(e)² as allegedly being anticipated by Toyoshima et al., U.S. Patent No. 5,512,955 ("Toyoshima").

Applicant traverses the rejections of claims 1-4 as follows.

II. Claim Rejections based on Tsukagoshi

Claims 1 and 2 stand rejected under § 102(e) as allegedly being anticipated by Tsukagoshi.

Claim 1 recites "a controller for receiving the channel number output from the key input and storing the channel number output from the key input in the memory while controlling the tuner to tune to a broadcasting channel corresponding to the received channel number". The Examiner alleges that the Channel Selecting Microcomputer 3 of Tsukagoshi discloses the recited controller.

¹ Applicant notes that given the publication date of this reference (July 23, 1991), any rejection should be under 35 U.S.C. § 102(b).

² Again, Applicant notes that given the publication date of this reference (April 30, 1996), any rejection should be under 35 U.S.C. § 102(b).

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/487,729
Attorney Docket No. Q57577

To the contrary, Tsukagoshi describes that channels can be stored in a provided memory, and that the channels are stored according to signals provided by an ADD/ERASE key 11 or an AUTO PROGRAM key 12 of an input device 8 (Tsukagoshi: col. 3, line 55 to col. 4, line 8). Thus, Tsukagoshi merely describes storing channels according to either of the two conventional approaches discussed on page 1 of Applicant's Specification.

Indeed, Tsukagoshi fails to disclose or suggest a controller that stores the channel number output from the key input in the memory while controlling the tuner to tune a broadcasting channel corresponding to the received channel number. For example, Tsukagoshi requires a user to press either one of an ADD/ERASE key 11 or an AUTO PROGRAM key 12 to initiate storing of channels.

In view of the above, claim 1 is not anticipated by Tsukagoshi. Consequently, at least by virtue of its dependency, claim 2 is not anticipated by Tsukagoshi.

III. Claim Rejections based on Toyoshima

Claims 1-4 stand rejected under § 102(e) as allegedly being anticipated by Toyoshima.

Claim 1 recites "a controller for receiving the channel number output from the key input and storing the channel number output from the key input in the memory while controlling the tuner to tune to a broadcasting channel corresponding to the received channel number". The Examiner cites to Fig. 6 and col. 3, lines 7-17 of Toyoshima in alleging that the controlling microcomputer (CPU) 8 of Toyoshima discloses the controller of claim 1.

However, at col. 3, lines 7-17, Toyoshima describes that an information signal SG extracted from a received video signal SV is stored in memory, and not that a channel number

AMENDMENT UNDER 37 C.F.R. § 1.111
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Attorney Docket No. Q57577

output from the key input is stored in memory while the tuner tunes a broadcasting channel corresponding to the channel number.

Indeed, according to Toyoshima, the channel setting of the television signal receiving apparatus 20 is performed by the CPU 8, through a controlling of the channel selection circuit 2 (Toyoshima: col. 3, lines 43-45). For example, Fig. 2 of Toyoshima illustrates a channel setting and analysis procedure for receipt of an air transmission broadcasting wave, wherein all active channel numbers greater than or equal to 2 and less than or equal to 83 are stored (Toyoshima: Fig. 2). Thus, Toyoshima merely describes storing channels in a manner similar to the second conventional approach discussed on page 1 of Applicant's Specification.

Indeed, Toyoshima fails to disclose or suggest a controller that stores a channel number output from a key input in a memory while controlling a tuner to tune to a broadcasting channel corresponding to the received channel number.

In view of the above, claim 1 is not anticipated by Toyoshima. Consequently, at least by virtue of their dependency, claims 2-4 are not anticipated by Toyoshima.

IV. New Claims 5-8

Applicant adds new claims 5-8 to obtain a more varied scope of protection. Claim 5 is patentable based on a rationale analogous to that provided above for claim 1. Furthermore, claims 6-8 are patentable at least by virtue of their dependency.

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Attorney Docket No. Q57577

V. Priority

The Examiner fails to acknowledge Applicant's claim for foreign priority under 35 U.S.C. § 119, including receipt of the priority document. Therefore, Applicant respectfully requests the Examiner to acknowledge Applicant's priority claim in the next correspondence.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

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AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/487,729
Attorney Docket No. Q57577

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 5-8 are added as new claims.